

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. SHAFFER, duly-appointed	)	Docket No. 1:22-cv-124
Administratrix of the ESTATE OF	)	
ALICIA E. SHAFFER STALHEIM and	)	
KYLE A. STALHEIM, individually and	)	ELECTRONICALLY FILED PLEADING
as parent and legal guardian of ALLISON	)	
M. STALHEIM, a minor, and BRYSON	)	<b>NOTICE OF REMOVAL</b>
A. STALHEIM, a minor,	)	
	)	
Plaintiffs	)	Filed on behalf of Defendants, Presque Isle
	)	Downs, Inc., Old PID, Inc., Eldorado Holdco,
v.	)	LLC and Eldorado Resorts, Inc.
	)	
PRESQUE ISLE DOWNS & CASINO;	)	Counsel of record for this party:
PID, LLC; PRESQUE ISLE DOWNS,	)	
INC.; OLD PID, INC., formerly known as	)	Michael J. Musone Esq.
PRESQUE ISLE DOWNS, INC.;	)	Aurora L. Hardin, Esq.
ÉCLAIR HOLDINGS COMPANY; MTR	)	<a href="mailto:mmusone@kmgslaw.com">mmusone@kmgslaw.com</a>
GAMING GROUP INC.; ELDORADO	)	<a href="mailto:ahardin@kmgslaw.com">ahardin@kmgslaw.com</a>
HOLDCO, LLC; ELDORADO	)	Knox McLaughlin Gornall & Sennett, P.C.
RESORTS, INC.; CHURCHILL	)	120 West 10 <sup>th</sup> Street
DOWNS, INC.; PENNSYLVANIA	)	Erie, PA 16501-1461
HORSEMEN'S BENEVOLENT AND	)	Phone: (814) 459-2800
PROTECTIVE ASSOCIATION;	)	Fax: (814) 453-4530
PENNSYLVANIA STATE POLICE,	)	
	)	
Defendants	)	

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. SHAFFER, duly-appointed	)	Docket No. 1:22-cv-124
Administratrix of the ESTATE OF	)	
ALICIA E. SHAFFER STALHEIM and	)	
KYLE A. STALHEIM, individually and	)	
as parent and legal guardian of ALLISON	)	
M. STALHEIM, a minor, and BRYSON	)	
A. STALHEIM, a minor,	)	
	)	
Plaintiffs	)	
	)	
v.	)	
	)	
PRESQUE ISLE DOWNS & CASINO;	)	
PID, LLC; PRESQUE ISLE DOWNS,	)	
INC.; OLD PID, INC., formerly known as	)	
PRESQUE ISLE DOWNS, INC.;	)	
ÉCLAIR HOLDINGS COMPANY; MTR	)	
GAMING GROUP INC.; ELDORADO	)	
HOLDCO, LLC; ELDORADO	)	
RESORTS, INC.; CHURCHILL	)	
DOWNS, INC.; PENNSYLVANIA	)	
HORSEMEN’S BENEVOLENT AND	)	
PROTECTIVE ASSOCIATION;	)	
PENNSYLVANIA STATE POLICE,	)	
	)	
Defendants	)	

**NOTICE OF REMOVAL**

Please take notice that, pursuant to 28 U.S.C. §§1441 and 1446, Removing Defendants, Presque Isle Downs, Inc., Old PID, Inc., Eldorado Holdco, LLC and Eldorado Resorts, Inc., n/k/a Caesars Entertainment, Inc., hereby give notice of removal of this action from the Court of Common Pleas of Erie County, Pennsylvania to the United States District Court for the Western District of Pennsylvania, Erie Division. In support of its Notice of Removal, Defendants state the following:

1. On November 23, 2020, Plaintiffs, Mary L. Shaffer, administratrix of the Estate of Alicia E. Shaffer Stalheim, and Kyle A. Stalheim, individually and as parent and legal guardian of Allison M. Stalheim, a minor, and Bryson A. Stalheim, a minor, initiated this action by filing a Writ of Summons with the Court of Common Pleas for Erie County Pennsylvania (the “Writ”).

2. The Writ was properly served on Defendants Presque Isle Downs & Casino, PID, LLC, Presque Isle Downs, Inc., Old PID, Inc., Eldorado Holdco, LLC, Eldorado Resorts, Inc., Churchill Downs, Inc., Pennsylvania Horsemen’s Benevolent and Protective Association, and Pennsylvania State Police.

3. The Writ was not properly served on named Defendants MTR Gaming Group, Inc. or Éclair Holdings Company. The Writ also misidentifies several defendants.<sup>1</sup>

4. MTR Gaming Group, Inc. is no longer in existence and does not and has never owned or operated Presque Isle Downs and Casino. MTR Gaming Group, Inc. was the former parent company of Presque Isle Downs, Inc.

5. In 2014, MTR Gaming Group, Inc. merged with Eldorado Resorts, Inc. The combined company retained the name Eldorado Resorts, Inc.

6. Éclair Holdings Company does not and has never owned or operated Presque Isle Downs and Casino. Éclair Holdings Company was the predecessor in interest to the then-newly combined company that was comprised of Eldorado Resorts, Inc. and MTR Gaming Group, Inc. Thus, Éclair Holdings Company became Eldorado Resorts, Inc.

7. In 2021, Eldorado Resorts, Inc. became Caesars Entertainment, Inc.

---

<sup>1</sup> On or about March 31, 2022, counsel for Defendants, Presque Isle Downs, Inc., Old PID, Inc., Eldorado Holdco, LLC and Eldorado Resorts, Inc. requested counsel for Plaintiffs and the other Defendants execute a stipulation regarding the correct ownership of Presque Isle Downs and Casino.

8. On March 9, 2022, Plaintiffs filed a Complaint against Defendants in the Court of Common Pleas of Erie County, Pennsylvania, arising from decedent Alicia E. Shaffer Stalheim's murder by third-party, Luis Rodriguez, allegedly a former employee of Presque Isle Downs & Casino. (*See* Complaint, attached as Exhibit A).

9. Plaintiffs admit in the Complaint that they “are not sure which of the nine (9) business entities named herein...owned and/or operated the Thoroughbred Horse Racing Facility and Casino commonly known as “Presque Isle Downs and Casino” located in Summit Township, Erie, County, Pennsylvania, between March 1, 2018 and November 25, 2018. Complaint, ¶22.<sup>2</sup>

10. Plaintiffs allege various claims against Defendants related to their respective interactions with decedent, Alicia E. Shaffer Stalheim, and/or Luis Rodriguez.

11. Pursuant to 28 U.S.C. §1446(a), “[a] defendant or defendants desiring to remove any civil action or criminal prosecution from a state court shall file in the District Court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.”

12. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

---

<sup>2</sup> Eldorado Resorts, Inc. (now known as Caesars Entertainment, Inc.) and Churchill Downs, Inc. are both public companies and, therefore, dates of the relevant asset purchase agreements and related mergers and/or consolidations are available in publicly available SEC filings.

13. “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. §1331.

14. Cases in which the federal district courts have original jurisdiction based on a federal question are removable without regard to the citizenship or residence of the parties.

15. Removing Defendants were served with the Plaintiff’s Complaint in this action, on or about March 9, 2022.

16. Plaintiff’s Complaint includes a claim under 42 U.S.C. 1983 (“Section 1983”), based upon alleged denial of equal protection under the law to Alicia E. Shaffer Stalheim in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

17. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1331 based on the federal question raised by Plaintiff’s Section 1983 claims.

18. Defendants are entitled to remove this action pursuant to 28 U.S.C. §1441 based on this Court’s original jurisdiction under 28 U.S.C. §1331.

19. In accordance with 28 U.S.C. §1446(a), Defendant has attached all pleadings and orders with which it has been served in this action, as well as a copy of the state court Docket sheet and all pleadings that have been filed. (*See* Docket and all other process, pleadings, and orders filed in this action, attached as Exhibit B).

20. All properly served and identified Defendants consent to the Removal of this action.

WHEREFORE, for the foregoing reasons, it is respectfully requested that Plaintiffs' Civil Action Complaint be removed to this Court for adjudication on the merits.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL  
& SENNETT, P.C.

BY: /s/Michael J. Musone

Michael J. Musone, Esq.  
Aurora L. Hardin, Esq.  
[mmusone@kmgslaw.com](mailto:mmusone@kmgslaw.com)  
[ahardin@kmgslaw.com](mailto:ahardin@kmgslaw.com)  
120 West 10th Street  
Erie, PA 16501-1461  
Tel: (814) 459-2800  
Fax: (814) 453-4530

Attorneys for Defendants, Presque Isle Downs,  
Inc., Old PID, Inc., Eldorado Holdco, LLC and  
Eldorado Resorts, Inc., n/k/a Caesars  
Entertainment, Inc.

P. DANIEL ALTLAND, Esquire

BY: /s/ P. Daniel Altland

P. Daniel Altland, Esq.  
350 South Sporting Hill Road  
Mechanicsburg, PA 17050  
P: (717) 730-6260  
F: (717) 730-6207  
E: dan@pdalegal.com

Attorneys for Defendant,  
Pennsylvania Horseman's Benevolent and  
Protective Association

BURNS WHITE, LLC

BY: /s/ Robert J. Behling

Robert J. Behling, Esq.  
Burns White Center  
48 26th Street  
Pittsburgh, PA 15222

Attorneys for Defendants,  
Presque Isle Downs & Casino and Churchill  
Downs Inc.

OFFICE OF THE ATTORNEY GENERAL

BY: /s/ Scott A. Bradley

Scott A. Bradley  
Senior Deputy Attorney General  
Office of Attorney General  
1251 Waterfront Place  
Mezzanine Level  
Pittsburgh, PA 15222  
[sbradley@attorneygeneral.gov](mailto:sbradley@attorneygeneral.gov)

Attorneys for Defendant,  
Pennsylvania State Police